

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**BENCH TRIAL CIVIL MINUTE ORDER**

Case No. 18-cv-01865 RS  
18-cv-02279 RS

Case Name: State of California v. Ross  
City of San Jose v. Ross

Date: 1/14/2019

Time: 2 hours and 50 minutes

The Honorable Richard Seeborg

Clerk: Corinne Lew

Court Reporter: Belle Ball and Jo Ann Bryce

**COUNSEL FOR PLTF:**

David Holtzman, R. Matthew Wise,  
Gabrielle Boutin, Todd Grabarsky,  
Malia McPherson, Keith Yeomans,  
Sue Ann Evans, Charles Coleman,  
Anna Ferrari, Noreen Skelly, Anthony Hakl,  
Valerie Flores, Ezra Rosenberg, John Libby,  
Ana Guardado, Andrew Case, Dorian Spence

**COUNSEL FOR DEFT:**

Carol Federighi, Carlotta Wells,  
Marsha Edney, Kate Bailey

Bench Trial Began: 1/7/19

Further Bench Trial: 2/15/19

**PROCEEDINGS**

Bench Trial – Day 6.

Bench Trial continued to 2/15/19 at 10:00 a.m. for Closing Argument.

**Witnesses Sworn and Examined:** Dr. John Abowd

**Admitted Exhibits:**

**Plaintiff:**

PTX-272, PTX-250, PTX-472, PTX-470, PTX-663B, PTX-663C, PTX-666, PTX-667, PTX-668, PTX-672, PTX-673, PTX-819, PTX-647, PTX-656, PTX-633, PTX-646, PTX-821, PTX-820, PTX-263, PTX-264, PTX-266, PTX-371, PTX-614, PTX-619, PTX-620, PTX-621, PTX-622, PTX-265, PTX-247, PTX-248, PTX-356

**Defendant:**

\*\*\*SEE ATTACHED TRIAL LOG\*\*\*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Case No: 18-cv-01865-RS  
18-cv-02279-RS

Case Name: State of California v. Ross  
City of San Jose v. Ross

**TRIAL SHEET, EXHIBIT and WITNESS LIST**

JUDGE:	PLAINTIFF ATTORNEY:	DEFENSE ATTORNEY:
Richard Seeborg	David Holtzman, R. Matthew Wise, Gabrielle Boutin, Todd Grabarsky, Malia McPherson, Keith Yeomans, Sue Ann Evans, Charles Coleman, Anna Ferrari, Noreen Skelly, Anthony Hakl, Valerie Flores, Ezra Rosenberg, John Libby, Ana Guardado, Andrew Case, Dorian Spence	Carlotta Wells, Carol Federighi, Marsha Edney, Kate Bailey
TRIAL DATE:	REPORTER(S):	CLERK:
1/14/2019	Belle Ball and Jo Ann Bryce	Corinne Lew

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		<u>1/14/19</u>				
		9:06 am			Court convened. All parties present.	
		9:06 am			Parties discuss closing argument filing deadlines and hearing date. Bench Trial continued to 2/15/19 at 10:00 a.m for Closing Arguments.	
		9:10 am			Continued Cross examination of witness Dr. John Abowd by the City of San Jose, John Libby.	
		9:31 am			Cross examination of witness Dr. John Abowd by the State of California, Matthew Wise.	
PTX-272			X	X	U. S. Government Accountability Office (GAO), Actions needed to Address Challenge to Enumerating Hard-to-Count Groups	
PTX-250			X	X	U.S. Census Bureau, "Investigating the 2010 Undercount of Young Children – Analysis of Census Coverage Measurement Results" (Jan. 2017)	
PTX-472			X	X	Video Excerpt, Yahoo Finance Interview of Secretary Ross regarding citizenship question, Nov. 13, 2018	
PTX-470			X	X	Statement from Commerce Department spokesperson Kevin Manning regarding Dr. Abowd's trial testimony, Nov. 13, 2018	

Case No: 18-cv-01865-RS and 18-02279 RS

Case Name: State of California v. Ross and City of San Jose v. RossDate: January 14, 2019Courtroom Deputy: Corinne Lew - Court Reporter: Belle Ball and Jo Ann Bryce**EXHIBIT and WITNESS LIST CONTINUED**

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		10:38 – 10:55 am			Break	
		10:56 am			Court reconvened. All parties present.	
		10:56 am			Re-direct examination of witness Dr. John Abowd by Kate Bailey.	
		11:02 am			Witness Dr. John Abowd excused.	
		11:02 am			Court and counsel discussing matters re: request for judicial notice, stipulation re testimony New York experts. Discussion redaction of Dr. Reamer.	
		11:07 – 1:15 pm			Break	
		1:15 pm			Court reconvened. All parties present. Attorney Anna Ferrari admitting into evidence 3 expert witnesses. ECF 118 – Video Recording of 3 expert witnesses.	
PTX-663B		Under rule 703 purposes only “ “	X X	X X	Appendix B to Karlan Report- Letter from Arthur Gary to Ron Jarmin (9/20/17)  Appendix C to Karlan Report – List of Cases	
PTX-663C		Under rule 703 purposes only	X	X	U.S. Dept. of Justice Website, Section 2 of the Voting Rights Act	
PTX-666		Under rule 703 purposes only	X	X	U.S. Census Bureau, Citizen Voting Age Population (CVAP)	
PTX-667		Under rule 703 purposes only	X	X	Justin Levitt, Citizenship and the Census	
PTX-668		Under rule 703 purposes only	X	X		
PTX-672		Under rule 703 purposes only	X	X	National Commission on the Voting Rights Act, Protecting Minority Voters	
PTX-673		Under rule 703 purposes only	X	X	Rule 703 only – Ellen Katz, Documenting Discrimination in Voting	
PTX-819			X	X	Testimony of Lisa Handley	
PTX-647 PTX-656			X	X	Trial Demonstratives	

Case No: 18-cv-01865-RS AND 18-02279 RS

Case Name: State of California v. Ross and City of San Jose v. RossDate: January 14, 2019Courtroom Deputy: Corinne Lew - Court Reporter: Belle Ball and Jo Ann Bryce**EXHIBIT and WITNESS LIST CONTINUED**

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
PTX-633 and PTX-646		Under rule 703 purposes Only " " "	X X	X X	D'Vera Cohn, want to know about the citizenship question the Census Bureau is planning to ask in 2020. U.S. Dept. of Justice Website, Section 5 Voting Rights	
PTX-821			X	X	Trial Affidavit of Hermann Habermann	
PTX-820			X	X	Testimony of Hermann Habermann	
PTX-263		Under rule 703 purposes only " " "	X	X	Principles and Practices for a Federal Statistical Agency	
PTX-264		" " "	X	X	Subjects Planned for the 2020 Census and American Community Survey	
PTX-266		" " "	X	X	Office of Management and Budget (OMB)	
PTX-371		" " "	X	X	Committee on National Statistics, Letter Report on the 2020 Census	
PTX-614		" " "	X	X	Fundamental Principles of Official Statistics	
PTX-619		" " "	X	X	Habermann, An Examination of City Groups	
PTX-620		" " "	X	X	Habermann, A Regional Training Network Concept	
PTX-621		" " "	X	X	Habermann & DeVries, Review of Two Assessments Reports	
PTX-622		" " "	X	X	Habermann, 2020 Census Citizenship Question	
PTX-265			X	X	Charter of the Interagency on Statistical Policy	
PTX-247			X	X	Department of Justice's Guidance Concerning Redistricting	
PTX-248			X	X	U.S. Census Bureau News Release	
PTX 356			X	X	Census Bureau website page entitled: "American Community Survey When to Use 1-Year, 3-Year, or 5 Year Estimates"	
		1:23 pm			Judicial notice issued argued by the State of California, Gabrielle Boutin, Keith Yeomans, City of San Jose, Ana Guardado and Government, Marsha Edney.	

Case No: 18-cv-01865-RS AND 18-02279 RS

Case Name: State of California v. Ross and City of San Jose v. Ross

Date: January 14, 2019

Courtroom Deputy: Corinne Lew - Court Reporter: Belle Ball and Jo Ann Bryce

---

**EXHIBIT and WITNESS LIST CONTINUED**

---